

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEREMY POWELL,

Plaintiff,

Case No. 12-cv-11269

v.

HONORABLE STEPHEN J. MURPHY, III

WAL-MART STORES, INC., et al.,

Defendants.

ORDER OF DISMISSAL

By prior Order the Court granted Brian Fantich's motion to withdraw as counsel for Plaintiff, and directed him to serve a copy of the Order on Plaintiff and to file proof of service with the Court. August 9, 2012 Order, ECF No. 12. This Order directed Plaintiff to either obtain new counsel and have new counsel file an appearance within 30 days, or to file notice of his intent to proceed without counsel. *Id.*

After more than 30 days elapsed, the Court entered an Order dismissing Plaintiff's complaint. See Order of Dismissal, ECF No. 13. But because Mr. Fantich had not filed proof of service, the Court re-opened the case and directed the Clerk of the Court to serve Plaintiff with the Court's Order granting Mr. Fantich's motion to withdraw. September 19, 2012 Order, ECF No. 14. The Clerk was unable to serve Plaintiff at the address provided. See Notice, ECF No. 15. Thereafter, Mr. Fantich filed a certificate of service that on October 11, 2012, he served Plaintiff with a copy of the Court's Order granting his motion to withdraw by mailing it to Plaintiff at an address with a different spelling than what was originally provided to the Court. Proof of Service, ECF No. 16.

Mr. Fantich has not notified the Court that this service was ineffective and Plaintiff has

failed to file anything with the Court. It appears, therefore, that Plaintiff has received the Court's Order and has decided not to prosecute this action. Accordingly, the Court will dismiss Plaintiff's complaint without prejudice.

WHEREFORE it is hereby **ORDERED** that Plaintiff's complaint is **DISMISSED** without prejudice.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: October 31, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 31, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager